

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 21, 2006**

**DIVISION ONE**

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Rothschild, J. and S. Stahl,  
Deputy Clerk.

Each of the following:

B180692	People v. Kuebler
B181040	People v. Pitman
B181047	People v. Jones et al.
B181117	People v. Vasquez
B181429	People v. Martinez
B181900	People v. Garcia
B181979	People v. McClinton
B182040	People v. Davidson
B182139	People v. Fratus
B182310	People v. Vasquez
B183513	People v. Church
B184946	People v. Rafael A.
B185226	People v. Silas
B184963	DCFS v. Annamarie C.
B185233	DCFS v. Elizabeth D.
B185341	DCFS v. Francisco R., Patricia R.
B185576	DCFS v. Jennifer M.
B188453	Maxine L. SCLA, DCFS

Argument waived, cause submitted.

DIVISION ONE (Continued)

B184553     People  
              v.  
              Spruel

Merits:  
Argued by William Flenniken, Jr. for appellant and by Allison H. Chung,  
Deputy Attorney General for respondent. Cause submitted.

B182092     Burkin  
              v.  
              Serembe

Merits:  
Argued by Mary A. Burkin, appellant in propria persona. Respondent  
waived oral argument. Cause submitted.

B181472     Etazad et al.  
              v.  
              Sdrales

Merits:  
Argued by Arthur E. Zitsow for respondent. Appellant waived oral  
argument. Cause submitted.

Mallano, J., leaves the bench.

B183184     Firestone  
              v.  
              Hoffman

Merits:  
Argued by Keith G. Wileman for respondent and by Ken Sidle for  
appellant. Submission deferred for 30 days.

## March 21, 2006 (Continued)

## DIVISION ONE (Continued)

B183545 Dahms  
v.  
Downtown Pomona Property et al.

Merits:  
Argued by Ronald C. Friendt for appellant and by Scott E. Nichols for respondent. Cause submitted.

Court adjourned.

B181040      People                                  (Not for Publication)  
v.  
Shane Lamar Pitman

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:   Mallano, Acting P.J.  
                      Rothschild, J.

DIVISION TWO

B184515 Ray (Not for Publication)  
v.  
City of Los Angeles, et al.

The judgment is affirmed. Respondents are awarded their costs on appeal.

Doi Todd, J.

We concur:   Boren, P.J.  
                   Ashmann-Gerst, J.

DIVISION TWO (Continued)

B172699      Cedars-Sinai Medical Center      (Certified for Publication)  
v.  
Sandra Shewry, as Director, etc., et al.

The judgment is affirmed. Each party to bear their own costs.

Doi Todd, Acting P.J.

We concur:    Ashmann-Gerst, J.  
Chavez, J.

B180443      People      (Not for Publication)  
v.  
Joe L.

The order sustaining the petition against minor is affirmed. The sentence is reversed, and the matter is remanded to the juvenile court with directions to recalculate minor's sentence in accordance with Welfare and Institutions Code sections 726, subdivision (c).

Doi Todd, J.

We concur:    Boren, P.J.  
Ashmann-Gerst, J.

B183531      In re Christopher B.      (Not for Publication)  
DCFS  
v.  
Humberto B. et al.

The orders denying the request to continue the section 366.26 hearing and denying Mother's section 388 petition are affirmed. The order terminating parental rights is reversed and the matter is remanded to the juvenile court.

Doi Todd, J.

We concur:    Boren, P.J.  
Ashmann-Gerst, J.

## DIVISION THREE

B177349 People (Not for Publication)  
v.  
Wood

The judgment is affirmed, except that Wood's sentence is vacated and the matter is remanded for resentencing consistent with this opinion. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B180441 People (Not for Publication)  
v.  
D.J.,

The order of wardship is affirmed, except that the trial court's setting of appellant's maximum term of physical confinement at life is vacated and the matter is remanded to permit the trial court to exercise its discretion to set a maximum term of physical confinement consistent with Welfare and Institutions Code section 731, subdivision (b) and this opinion. We express no opinion as to whether, following remand, the trial court should set the same or a different maximum term of physical confinement.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

## DIVISION FOUR

B182416      Lee      (Not for Publication)  
v.  
Sport Chalet

The judgment is reversed insofar as it summarily adjudicated plaintiff's cause of action for products liability in favor of Sport Chalet. To the extent it summarily adjudicated plaintiff's cause of action for negligence in favor of Sport Chalet, the judgment is affirmed. Appellant shall recover his costs on appeal.

Willhite, J.

We concur: Epstein, P.J.  
Hastings, J. (Assigned)

B181577 People (Not for Publication)  
v.  
Ventura

The judgment is affirmed.

Hastings, J. (Assigned)

We concur: Epstein, P.J.  
Curry, J.

B185721      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Mister T.

The juvenile court orders are affirmed.

Hastings, J. (Assigned)

We concur: Epstein, P.J.  
Willhite, J.

## March 21, 2006 (Continued)

## DIVISION FOUR (Continued)

B179241 People (Not for Publication)  
v.  
Flores et al.

The judgments are affirmed.

Hastings, J. (Assigned)

We concur: Epstein, P.J.  
Willhite, J.

B185119 Contemporary Services Corp., et al. (Not for Publication)  
v.  
Staff Pro, Inc., et al.

The trial court's June 27, 2005 order imposing \$9,900 monetary sanctions is affirmed. Respondents to recover their costs on appeal. The Clerk of the Court is directed to forward a copy of this opinion to the State Bar of California (Bus. & Prof. Code, §6086.7, subd. (a)(3).)

Willhite, J.

We concur: Epstein, P.J.  
Curry, J.

## DIVISION FIVE

B183380      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Meribeth and Arturo A.  
In re Gabriella A. et al

The judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
                         Kriegler, J.

DIVISION FIVE (Continued)

B180651      People      (Not for Publication)

v.

Mauricio Mungia et al.,

The judgment is affirmed.

Armstrong, J.

We concur:    Turner, P.J.  
Mosk, J.

DIVISION SIX

B184577      Miller, etc.      (Not for Publication)

v.

Schneider, et al.

The order of the trial court is affirmed. Respondent shall recover costs on appeal.

Perren, J.

We concur:    Gilbert, P.J.  
Yegan, J.

B184370      Mokhtari-Sharghi      (Not for Publication)

v.

Trustees of the California State University and Colleges

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur:    Yegan, J.  
Coffee, J.



March 21, 2006 (Continued)

## DIVISION SIX (Continued)

B183826 People (Not for Publication)  
v.  
Beers

The judgment is affirmed.

Gilbert , P.J.

We concur: Yegan, J.  
Perren , J.,

B185255      In re Angel Mariah C.      (Not for Publication)  
Ventura Co. Human Resources Agency  
v.  
Carlos C.,

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.,

B182295      Martinez el al.,      (Not for Publication)  
v.  
Moreno

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.,

March 21, 2006 (Continued)

## DIVISION SIX (Continued)

B185722      People  
v.  
Brillon

(Not for Publication)

The order is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

## DIVISION SEVEN

B180137      Settle                                  (Not for Publication)  
v.  
Knox Attorney Service et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Zelon, J.

B180683      Garau  
v.  
Torrance Unified School District

Filed order denying petition for rehearing.

## DIVISION EIGHT

B182029 People (Not for Publication)  
v.  
Weathers

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.

B170095 People (Not for Publication)  
v.  
Devore et al..

As to Rodgers, the allegation that a principal personally and intentionally discharged a handgun, within the meaning of subdivisions (d) and (e)(1) of section 12022.53, is reversed. As to Abdul-Malik, the minute order of the sentencing hearing on August 28, 2003, and the abstract of judgment, shall be corrected to show that he is not eligible for parole until a minimum of 15 calendar years has been served, and he is subject to the provisions of subdivisions (d) and (e)(1) of section 12022.53. The references to "street gang murder" in the abstracts of judgment for all three defendants shall be changed to the word "murder." In all other respects, the judgments are affirmed.

Flier, J.

I concur: Boland, J.  
I concur and dissent: Cooper, P.J. (Opinion)